

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Plaintiff,

v.

Thomas Fumbah Acquoi, Jr.,

Defendant.

**ORDER DENYING
MOTION TO AMEND**
Criminal No. 20-126(1) ADM/DTS

Ruth S. Shnider, Assistant United States Attorney, United States Attorney's Office, Minneapolis, MN, on behalf of Plaintiff.

F. Clayton Tyler, Esq., F. Clayton Tyler, P.A., Minneapolis, MN, on behalf of Defendant.

This matter is before the undersigned United States District Judge for a ruling on Defendant Thomas Fumbah Acquoi's ("Acquoi") Motion to Amend Order for Detention [Docket No. 22]. Acquoi moves for amendment of Magistrate Judge Hildy Bowbeer's July 6, 2020 Order of Detention [Docket No. 20] ("Detention Order") so that he may be permitted to return to the custody of the Minnesota Commissioner of Corrections during the pendency of his federal case. The Government opposes the Motion. Acquoi has informed the Court that no hearing is required to resolve his Motion.

Under 18 U.S.C. § 3145(b), a person "ordered detained by a magistrate judge . . . may file, with the court having original jurisdiction over the offense, a motion for revocation or amendment of the order. The motion shall be determined promptly." In considering a motion to amend a magistrate judge's detention order, the district court conducts a de novo review. United States v. Maull, 773 F.2d 1479, 1481 (8th Cir.1985).

Acquoi had been serving a state court sentence at the Minnesota Corrections Facility in Stillwater, Minnesota, when he was taken out of state custody and placed in federal custody at the Sherburne County Jail to face the charges in this case. Acquoi requests that the Detention Order be amended to allow him to return to state prison in Stillwater while his federal case is pending so that he can participate in chemical dependency treatment and programming. Acquoi admits that he has failed to comply with past drug treatment programs while in state custody. The Government argues that Acquoi's interests are outweighed by the increased health risks and logistical challenges posed by transporting Acquoi to and from Stillwater for in-person hearings during the COVID-19 pandemic.

Upon conducting a de novo review, the Court agrees with the Detention Order's reasoning and conclusion that Acquoi should remain detained in federal custody due to the uncertainties of when in-person hearings will resume and the logistical and safety challenges involved in transporting Acquoi to and from Stillwater for such hearings.

Based upon the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that Defendant Thomas Fumbah Acquoi's Motion to Amend Order for Detention [Docket No. 22] is **DENIED**.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT COURT

Dated: July 20, 2020